



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: 2004-10236
Applicant: Nebraska Department of Roads
Waterway: Wetlands Tributaries to Salt Creek and Platte River
Issue Date: April 14, 2004
Expiration Date: May 4, 2004

21 DAY NOTICE

Reply To:
NEBRASKA REGULATORY OFFICE – WEHRSPANN
8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U.S. Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ), P.O. Box 98922, State House Station, Lincoln, Nebraska 68509. They will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of the NDEQ, their public notice will expire 30 days from the issue date shown above.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Mr. Jason Jurgens, Nebraska Department of Roads, 1500 Hwy 2, Lincoln, Nebraska 68509.

PROJECT LOCATION:

Site #1—SW ¼ of Section 1, Township 12 North, Range 9 East, Saunders County, Nebraska.
Site #2—SW ¼ of Section 7, Township 12 North, Range 10 East, Cass County, Nebraska.
Site #3—SE ¼ of Section 7, Township 12 North, Range 1 East, Cass County, Nebraska.
Site #4—NE ¼ of Section 17, Township 12 North, Range 10 East, Cass County, Nebraska.
Site #5—NE ¼ of Section 12, Township 12 North, Range 10 East, Cass County, Nebraska.
Site #6—NE ¼ of Section 17, Township 12 North, Range 10 East, Cass County, Nebraska.

PROJECT DESCRIPTION: The proposed project will begin on new alignment at the junction of Nebraska Highway 66 and U.S. Highway 6 and extends generally southeast to match the existing N-66 alignment ending approximately ½ mile west of the N-66/Interstate 80 interchange. The proposed project consists of reconstruction of approximately four miles of two lane highway that will include improved and safer curve radii at two locations and construction on new alignment to divert N-66 traffic out of existing residential neighborhoods. Surfaced shoulders, guardrail, and new drainage structures will be included in the project. Relocation of an ephemeral stream channel will be required near the SAC Air Force Museum and Mahoney State Park entrances.

Site #1—A new 2.1 m (6.9 ft) high X 2.1 m (6.9 ft) wide X 123 m (403.5 ft) long CBC will be constructed through the new N-66 roadway embankment. As a result, approximately 153.8 m (504.6 ft) of stream channel area will be filled.

Site #2—Permanent fill placed for roadway embankment and culver extension will result in 0.25 ac. of PEMA wetland impacts. The existing 2.1 m (6.9 ft) X 24.6 m (80.7 ft) corrugated metal pipe will be replaced with a 2.5 m (8.2 ft) X 2.0 m (6.6 ft) X 92.0 m (301.8 ft) long CBC on improved curve alignment.

Site #3—Permanent fill placed for roadway embankment and culvert construction will result in 0.07 ac. PEMA wetland and stream channel impacts. The exiting 1.75 m (5.7 ft) X 23.7 m (77.8 ft) CMP will be replaced with a 2.0 m (6.6 ft) X 2.0 m (6.6 ft) X 36.0 m (118.1 ft) long CBC.

Site #4—Permanent fill placed for roadway embankment and culvert construction will require relocation of an incised ephemeral stream channel. NDOR was unable to shift the project alignment away from the channel area due to two existing residences and potential impacts to parks lands (SAC Air Force Museum and Mahoney State Park). NDOR has minimized the amount of channel impacts at the site by modifying the preferred safety section that utilizes an approximate 25 ft. wide grass shoulder on a 6H:1V slope, then a 3V:1H slope out from that point to the toe-of-slope. Grading that safety section would have required a 143 m (469 ft) long change and would have resulted in the loss of 63 m (207 ft) that included a natural drop structure in mid channel.

NDOR looked at several alternative design sections using steep (1H:1V and 2H:1V) embankment slopes and guardrail to reduce the amount of stream channel impact and still provide adequate protection for motorists. NDOR has designed a 1H:1V benched slope where it proved to avoid the stream channel area all together. Where 1H:1V benched slope still resulted in a channel impact, NDOR chose to construct a 2H:1V embankment slope to provide the greatest amount of slope stability. The following describes the channel impacts using guardrail and 2H:1V embankment slopes:

The length of stream channel filled was reduced to 50.9 m (167 ft) with new channel length created totaling 39.9 m (131 ft) resulting in a total loss of 11.0 m (36 ft). The new channel area will have 9.1 m (30 ft) grassed buffer strip above the top of the new channel bank. The existing 1250 mm (48 in) X 38.4 (126 ft) long CMP will be replaced with a 1500 mm (60 in) X 50.5M (165.6 ft) long CMP. The existing 1250 mm (48 in) CMP will be extended 16.0 m (52.5 ft) right. Type A riprap will be placed at both culvert outlets to reduce water energy and scour erosion.

Site #5—The existing 930 mm (36 in) culvert pipe will be extended 6.5 m (21.3 ft) right to carry ditch runoff flows down to the incised stream channel that occurs below the existing culvert.

Site #6—The existing 1200 mm (48 in) pipe with, flared end section, will be extended 16.0 m (53 ft) right.

PROJECT PURPOSE: The projects purpose is for reconstruction of aging infrastructure per current DR-3 Minimum Design Standards for new and reconstructed rural state highways.

SPECIAL AQUATIC SITES: A total of 0.32 acres of PEMA wetlands will be impacted by this project. NDOR is proposing to mitigate these impacts at the Waverly Interchange Wetland Mitigation Bank. The mitigation ratio will be 2:1 for replacement of the linear PEMA wetlands in a floodplain depressional bank site. The Waverly Interchange Wetland Mitigation Bank will be debited 0.64 acres of PEMA credits. It should be noted that 504 linear feet of stream channel at Site #1 is proposed to be impacted and no mitigation is proposed to replace that impact. Also it should be noted that at Site #4, 36 linear feet of channel would be lost due to the proposed channel change.

CULTURAL RESOURCES: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and its current supplements and no property listed or proposed for listing in the Register is located in the project area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and may require a reconnaissance survey of the project area to check for unknown historic or prehistoric properties, if warranted.

ENDANGERED SPECIES: Pursuant to the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public

interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office – Wehrspann, 8901 South 154th Street, Suite 1, Omaha, NE 68138-3621. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Matt Wray at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at matt.t.wray@usace.army.mil.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.